



PUBLIC MEETING NOTICE AND AGENDA
REVISION #1

April 10, 2019

A public meeting of the Arizona Game and Fish Commission will be held on **April 12-13, 2019** at the **Arizona Game and Fish Department, 5000 W. Carefree Hwy, Phoenix, Arizona 85086**, as authorized by A.R.S. § 17-201(D). Members of the public may attend the meeting in person or view the meeting at <http://livestream.com/azgameandfish>. Members of the public may also view the meeting from any Department Regional Office via video teleconference. Members of the public attending in person or viewing via video teleconference may submit Speaker Cards (Blue Cards) if they wish to speak to the Commission. The ability to speak to the Commission for those viewing the livestream is not available. Unless expressly provided otherwise with any item on the agenda, the Commission may discuss and vote to take action on the following matters:

Friday, April 12, 2019 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

Welcome/Introductions

Awards and Recognition

1. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
2. **Consent Agenda.** The following items have been grouped together and are hereby noticed as consent agenda items to expedite action on routine matters, which may not require public discussion. The Commission will be asked to approve briefings and updates without further public input or discussion and to approve other matters as presented, subject to approval or recommendations of the Commission's legal counsel. Commission members may remove certain items if further public input or discussion is deemed necessary.
 - a. **Approve License Agreement with UNS Electric, Inc. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve the License Agreement with UNS Electric, Inc. for the purpose of accessing, constructing and maintaining electric power lines, appurtenances and electrical services across a State-owned facility in Mohave County, Arizona, for the purpose of providing electrical services at the Tri-State Shooting Park.

azgfd.gov | 602.942.3000

5000 W. CAREFREE HIGHWAY, PHOENIX AZ 85086

GOVERNOR: DOUGLAS A. DUCEY **COMMISSIONERS:** CHAIRMAN, JAMES S. ZIELER, ST. JOHNS | ERIC S. SPARKS, TUCSON | KURT R. DAVIS, PHOENIX
LELAND S. "BILL" BRAKE, ELGIN | JAMES E. GOUGHNOUR, PAYSON **DIRECTOR:** TY E. GRAY **DEPUTY DIRECTOR:** TOM P. FINLEY

- b. **Wildlife Values and Civil Assessment Model. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the proposed civil assessment model.
3. **State and Federal Legislation. Presenter: Ed Sanchez, Legislative Liaison.** The Commission will be briefed on the status of State and Federal legislation. The Commission may take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
4. **Commission Priorities Report Update. Presenter: Kent Komadina, Special Assistant to the Director.** The Department will provide an update to the Commission Priorities timeline and will provide an expanded presentation by Mark Weise and Clay Crowder regarding the property to Develop a Comprehensive Facility Maintenance Program and Real Estate Strategy. The Commission may discuss and provide additional direction.
5. **Federal Lands Planning Update. Presenter: Clay Crowder, Habitat, Evaluation, and Lands Branch Chief.** The Commission will be updated on Department activities and involvement with resource management planning and other major actions on federal lands in Arizona.
6. **Threatened and Endangered Briefing on Blacktailed and Gunnison's Prairie dog. Presenter: Maeghan Miller, Wildlife Specialist I Terrestrial Branch.** The Commission will be briefed on the Department's program to manage both the Blacktailed and Gunnison's prairie dog in a manner that Endangered Species Act listing is not required.
7. **Approve the Article 1 Definitions and General Provisions Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: Erin Butler, FOR3 Program Manager.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 1 addressing definitions and general provisions, for submission to G.R.R.C. The Commission may vote to take action on and provide the Department direction on this item.
8. **Request to approve the Article 2 Licenses; Permits; Stamps; Tags Five-year Rule Review Report, for Submission to the Governor's Regulatory Review Council (G.R.R.C.). Presenter: David Fernandez, Legislative Specialist.** The Department will ask the Commission to vote to approve the Five-year Rule Review Report for Article 2, addressing licenses, permits, stamps, and tags, for submission to G.R.R.C. The Commission may vote to take action on and provide the Department direction on this item.

****REVISED****

TIME CERTAIN AT 10:00 AM

9. **Hearings on License Revocations for Violations of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife. Presenter: Gene F. Elms, Law Enforcement Branch Chief.** The Commission will consider and take action on the license revocations and/or civil assessments for the individuals listed below:

Name	Docket #	Conviction
John Morgan	2019-0009	Take elk without a permit
Larry Parker	2019-0013	Possess unlawfully taken deer
Reed Donley	2019-0014	Take wildlife (javelina) without a license
Ty Tsinnijinnie	2019-0015	Obtain resident hunting license by misrepresentation

****NEW****

- 9A. Photo Opportunity for the Wildlife Center Ground Breaking. Presenter: Kellie Tharp, Education Branch Chief.**

****REVISED****

- 10. Petition by Mike Whelan to Amend R12-4-303 Unlawful Devices, Methods, and Ammunition. Presenter: Jay Cook, Regional Supervisor, Mesa.** The Commission will be asked to review the petition submitted by Mike Whelan to Amend R12-4-303. The requested amendment is to restrict the use of any device which is not held or manually operated by a person, and is used to capture images, video or location data of wildlife, such as but not limited to a “trail camera” during a specific timeframe or if the placement or maintenance of the device prevents wildlife from accessing or alters the manner in which wildlife accesses water sources.

****REVISED****

- 11. Petition to Lock a Gate on State Trust Land East of Three Points, Arizona. Presenter: Don Larsen, Landowner Relations Program Supervisor.** The Commission may approve a request from Christopher Rutter to lock a gate on State Trust Land located just east of Three Points. The Commission may vote to take action on, or provide the Department direction on this item.

****REVISED****

- 12. Petition to Lock Gates on State Trust Land Approximately Five Miles West of Green Valley, Arizona. Presenter: Don Larsen, Landowner Relations Program Supervisor.** The Commission may approve a request from the Navarro Ranch to lock gates on State Trust Land located approximately five miles west of Green Valley. The Commission may vote to take action on, or provide the Department direction on this item.

Lunch Break (Begins at 12:00 p.m.)

****REVISED****

- 13. Arizona Department of Forestry and Fire Management (DFFM) Cooperative Agreement (CA) Contract No. FD-18-0227-ASF-SFO. Presenter: Josh Hurst, Field Operations Coordinator.** The Cooperative Agreement outlines how the Department and the State Forester work cooperatively to provide services for the protection of forest, wild and agricultural lands

and rural structures as well as work jointly to manage fuels to benefit wildlife habitat on Department managed lands.

14. **Approval of Law Enforcement Boating Safety Fund (LEBSF) Grant Allocation Formula for FY 2020. Presenter: Gene Elms, Law Enforcement Branch Chief.** The Department will provide the Commission with the proposed LEBSF Grant Allocation Formula per ARS §5-383.
15. **Petition by Mr. Brett Hutchison to be granted the tag he was drawn for but did not receive because his credit card was declined. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Hutchison is requesting he be granted the tag he was drawn for but did not receive because his credit card was declined.

****REVISED****

16. **Petition by Mr. Eric Adams to be allowed to purchase PointGuard after the fact. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Adams is requesting to be allowed to purchase PointGuard after the fact because he was drawn for a cow elk tag which he claims was because of the system's errors.

****REVISED****

17. **Petition by Mr. Landon Robison for purchase of PointGuard after the fact. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Robison is requesting purchase of PointGuard after the fact because he was drawn for a cow elk tag he did not intend to apply for.
18. **Petition by Mr. Larry Dean Bigelow to Purchase PointGuard after the fact. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Bigelow is requesting to purchase PointGuard after the fact because he was drawn for a cow elk tag he did not intend to apply for.
19. **Petition by Mr. Todd Thorpe to Purchase PointGuard after the fact for himself and Mr. Robert Reynolds. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Thorpe is requesting to Purchase PointGuard after the fact for himself and Mr. Reynold's because they were drawn for cow elk tags he did not intend to apply for.
20. **Petition by Mr. Joel McCaw for purchase of PointGuard after the fact. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. McCaw is requesting purchase of PointGuard after the fact because he was drawn for a cow elk tag he did not intend to apply for.

****REVISED****

21. **Petition by Mr. Paul Reger for purchase of PointGuard after the fact. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Reger is requesting purchase of PointGuard after the fact because he was drawn for an incorrect hunt which he claims was because of a system error.

22. **Petition by Mr. Mark Kirby for purchase for PointGuard after the fact. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mr. Kirby is requesting to purchase PointGuard after the fact because he was drawn for a cow elk tag which he claims was because of a system error.

****REVISED****

23. **Petition by Mrs. Mary Remsing on behalf of her husband Mr. Errol Remsing to be allowed to purchase PointGuard after the fact. Presenter: Jennifer Stewart, Branch Chief, Customer Support and Sales Branch.** Mrs. Remsing is requesting to be allowed to purchase PointGuard after the fact because Mr. Remsing was drawn for an incorrect hunt which she claims was because of the system's errors.

Agenda Items #24 through #26 are first read items. The Commission may choose to take action on first read items as needed or may direct the Department to place first read items on the consent agenda for approval at the next Commission meeting.

24. **License Agreement with AT&T. Presenter: Clay Crowder, Habitat, Evaluation and Lands Branch Chief.** The Commission may approve a License Agreement with AT&T for the purpose of accessing, constructing and maintaining a cell tower structure type: Monocactus, electric power lines, appurtenances and electrical services across a State-owned facility in Maricopa County, Arizona, for the purpose of providing emergency broadcasting services and additional electrical services at the Usery Mountain Shooting Range.
25. **Memorandum of Understanding with Friends of Buenos Aires National Wildlife Refuge. Presenter: Josh Avey, Terrestrial Wildlife Branch Chief.** The Commission will be briefed and may approve a Memorandum of Understanding with the Friends of Buenos Aires National Wildlife Refuge for conservation and management activities in Arizona for Arizona's pronghorn and other wildlife species.
26. **Inter-Governmental Agreement with the Navajo Nation. Presenter: Chris Bagnoli, Pinetop Regional Supervisor.** The Commission will be asked to approve an Inter-Governmental Agreement with the Navajo Nation to provide cooperative training regarding fish and wildlife law enforcement, boating law enforcement, boating safety, fish and wildlife management techniques, and hunter education to Navajo Nation personnel.
27. **Executive Session (The Commission will not vote to take on any action during Executive Session).**
- a. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning *In re General Stream Adjudication for the Little Colorado River and Gila River*; *Zuni water rights settlement agreement*; *Center for Biological Diversity v. U.S. Forest Service*, CV 12-0817 (AZ); *Center for Biological Diversity v. Zinke*, CV 15-00019 (AZ); *WildEarth Guardians v. Ashe*, CV 15-00285 (AZ); *Safari Club International v. Zinke*, 16-00094 (AZ); *WildEarth Guardians v.*

Provencio, CV 16-0810; Herrera v Wyoming; Hamberlin v. State of Arizona, et al., CV 2018-010149; State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435; Slater v. State of Arizona, et al., CV 2018-097090, Owen Notice of Claim.

- b. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice in order to consider its position and to instruct legal counsel regarding the Commission's position concerning the legal strategy recommendations from the Department's legal strategies team.
- c. **Litigation and Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) and (4) for the purpose of discussing and consulting with legal counsel for legal advice regarding the Department's legal authority when stray livestock present the potential for catastrophic destruction to wildlife.
- d. **Purchase of Real Property and Legal Advice.** The Commission may vote to meet in Executive Session pursuant to A.R.S § 38-431.03(A)(3) and (7) for the purpose of discussion or consultation with Department staff in order to consider its position and instruct its representative regarding the purchase of real property and for the purpose of discussing and consulting with legal counsel for legal advice.
- e. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice on the proposed federal regulation revising the definition of "waters of the United States" as used in the Clean Water Act.

NEW

- f. **Legal Advice.** The Commission may vote to meet in executive session in accordance with A.R.S. § 38-431.03(A)(3) for the purpose of discussing and consulting with legal counsel for legal advice regarding the Commission's authority to close state trust lands to hunting and to close roads providing access to state trust lands.
 - g. **Personnel Matters.** The Commission may vote to go into executive session in accordance with A.R.S. § 38-431.03(A)(1) to discuss personnel matters associated with the Director's duties, responsibilities and performance. The Commission may take action in the public session or defer any action to a later date.
28. **Litigation Report.** The Department's legal counsel may report on the status of the litigation matters: *In re General Stream Adjudication for the Little Colorado River and Gila River; Zuni water rights settlement agreement; Center for Biological Diversity v. U.S. Forest Service, CV 12-0817 (AZ); Center for Biological Diversity v. Zinke, CV 15-00019 (AZ); WildEarth Guardians v. Ashe, CV 15-00285 (AZ); Safari Club International v. Zinke, 16-00094 (AZ); WildEarth Guardians v. Heather Provencio, CV 16-0810; Herrera v Wyoming; State of Arizona v. U.S. Army Corps of Engineers, CV-18-00069; Hamberlin v. State of Arizona, et al., CV 2018-*

010149; State of Arizona v. Hamberlin, No. 1 CA-CV 18-0435; Slater v. State of Arizona, et al., CV 2018-097090; Owens Notice of Claim.

29. **Commissioner Committee Reports.** Commissioners may provide an update on the subcommittees that they chair regarding current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.
30. **Director and Commissioner Comments.** The Director and the Commissioners may provide brief comment on current events and issues. This item is for information only. Items requiring discussion, deliberation or legal action must be placed on a future Commission meeting agenda.

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Saturday, April 13, 2019 - Meeting begins at 8:00 A.M.

Pledge of Allegiance

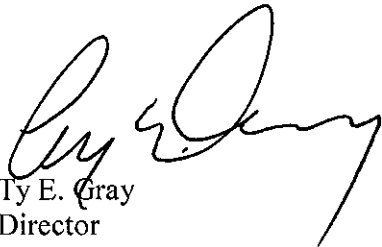
Welcome and Introductions

Awards and Recognition

1. **Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
2. **Consideration of Proposed Commission Orders 2, 5-10, 13, and 26 for 2019–20 and 2020-21 Hunting Seasons and Commission Order 23 for the 2019–20 and 2020-21 Trapping Seasons. Presenter: Amber Munig, Big Game Management Program Supervisor.** The Commission will consider and may approve Commission Orders 2 (deer), 5–10 (turkey, javelina, bighorn sheep, buffalo, bear, and mountain lion), 13 (predatory and fur-bearing mammals), and 26 (population management) establishing seasons and season dates, bag and possession limits, permit numbers, and open areas for the 2019–20 and 2020-21 seasons. The Commission will also consider and may approve Commission Order 23 (trapping), establishing season dates, legal species, open and closed areas, and bag and possession limits for the 2019–20 and 2020-21 seasons. A detailed description of proposals is available for public review at Department offices.
3. **Consideration of Proposed Commission Orders 11, 12, 14-18 (Small Game) for 2019–2020 and 2020-2021 Hunting Seasons, 19-22, and 24 (Migratory Game Birds) for 2019–2020 Hunting Season. Presenter: Johnathan O'Dell, Small Game Biologist.** The Commission will consider and may approve Commission Orders 11, 12, 14-18 (tree squirrel, cottontail rabbit,

other birds & mammals, pheasant, quail, chukar partridge, and blue grouse) establishing seasons and season dates, legal species, open and closed areas, bag and possession limits, permit numbers for the 2019–2020 and 2020-2021 Hunting Seasons. The Commission will also consider and may approve Commission Orders 19-22 (dove, band-tailed pigeon, waterfowl, and snipe), and 24 (sandhill crane) establishing seasons and season dates, legal species, open and closed areas, bag and possession limits, permit numbers for the 2019–2020.

4. Future Agenda Items and Action Items.



Ty E. Gray
Director

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The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order. Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 5000 W. Carefree Highway, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission may afford any person, their duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally. The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4). One or more members of the Commission may appear and participate in the meeting telephonically or by other electronic means.

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 5000 W. Carefree Highway, Phoenix, Arizona 85086, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

“Managing Today for Wildlife Tomorrow”